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SUBJECT: NORWAY: A LONG WAY TO GO ON TERRORISM AND HSPD-6  
SHARING

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Classified By: Deputy Chief of Mission Kevin M. Johnson  
for reasons 1.4 b and d

#### Summary

1. (C) In reviewing the Bhatti terrorist case (REFTEL A) with the Ambassador on June 18, Police Security Service (PST) Director General Jorn Holme said he was disappointed the synagogue shooting was not classified as terrorism, but pleased at the long sentence Bhatti received. He felt the recently revised terrorism law was adequate but complained that the legal case had not been well argued, and said that PST had pressed for the GON to appeal. To his obvious disappointment, the GON prosecutor decided not to appeal.

2. (C) Troublingly, Holme described Bhatti as more criminal than terrorist. This combined with the apparent lack of any terrorist watch list in Norway seems to reflect a general GON and public view that downplays the threat of terrorism. Post will continue to press to sharpen the GON view of what terrorism is and why watch lists are important. Holme's fall trip to DC will be an important opportunity to reinforce this message. On the proposed HSPD-6 Agreement (REFTEL B), Holme promised PST would consult with the Embassy on how to move forward. End Summary.

#### Bhatti Case

3. (C) Both the government and the defendant had an opportunity to appeal in the Bhatti case. Despite PST desires and early speculation, the prosecutor declined to appeal the judge's decision that the synagogue shooting did not reach the level of terrorism and that the planned attacks against the U.S. and Israeli Embassies were not sufficiently far along to constitute conspiracy to commit a terrorist act. Bhatti, on the other hand, appealed the judge's ruling against him on the charge of attempted murder. He also appealed the judge's use of law concerning Bhatti's involvement in the synagogue shooting, but not the verdict concerning the synagogue shooting. The state prosecutor now has the right to respond to the specific elements of Bhatti's appeal. The prosecutor has until the end of this week to do this.

4. (C) In a June 18 meeting with the Ambassador, PST Director General Jorn Holme explained that the decision by the GON on whether to appeal the decision that shooting the synagogue was not a terrorist act was a close one. PST had asked the prosecutor to appeal in order both to win the point about the synagogue shooting and also to then use that as evidence of a commencement of a terrorist conspiracy which included plans to attack the US and Israeli embassies. This would then

overcome the judge's ruling that the plans to attack the embassies had not sufficiently progressed to meet the terrorist law standards. Holme explained that he believed the legal aspects of the cases had not been well argued by the prosecutor, as there was clear evidence in the parliamentary notes to the law that attacks against minorities as well as against national interests could be considered terrorism. (The judge had ruled only attacks against national/majority interests such as a government building or a Lutheran church could be considered terrorism so hence an attack against a synagogue could not be terrorism.)

¶5. (C) Holme however was very pleased with the sentence Bhatti received and believed the tapes PST provided were instrumental in showing that Bhatti was a clever and dangerous person. He said that the sentence had the total support of the Norwegian public, despite the fact it is very lengthy in Norwegian terms. Further, he felt the law was quite sufficient although the judge had ruled that none of Bhatti's actions met the criteria under the terrorism legislation.

When is a Terrorist not a Terrorist?

¶6. (C) In a disturbing rumination however, Holme went on to say that Bhatti was not a typical terrorist and essentially was a criminal although motivated by international political events. When pressed, he said that Bhatti was fine when in a good mood hanging out with his girlfriend, and it was only when he got depressed that he was dangerous. He felt that Bhatti's friends remain a threat but that their lawyers would advise them to be careful.

¶7. (C) Comment: It is very troubling that the person in Norway who should most appreciate what terrorism is feels comfortable making excuses for why Bhatti really isn't so bad and is not a "real" terrorist--a line of reasoning which was the main defense argument. This type of comment is echoed by many in senior GON positions who seem to feel if our view that Bhatti is a terrorist were true than all civilian murderers would be terrorists. They seem to view our reasoning as a paranoid U.S. view that terrorism lurks everywhere and pride themselves on being more "civilized." Somewhere along the way, they have lost sight of the motivation making a difference. In the Bhatti case, no one in the know denies he was motivated by the Israeli-Lebanon war and sought to have a political impact. This clear political motivation, however, does not seem to influence their consideration of whether he is a terrorist. End Comment.

Other Cases

¶8. (C) Looking ahead, Holme felt the Bhatti case would have no impact on the Somali financier case they are pursuing, except to raise the question of whether PST can afford to have two losses in a row. He also said the case had prompted PST, Oslo Police, and KRIPOS (Norwegian Criminal Investigative Service) to get together and decide who would have responsibility to investigate and prosecute in various different types of terrorist scenarios. (Note: Problems arose in the Bhatti case when PST handed over the case to Oslo Police when it was decided to arrest Bhatti and his associates, but was forced to retake control of the investigation and initial prosecution.) Finally, he noted that the Bhatti case had raised serious public concern about PST methods and the extent of details obtained in tapping that then ended up in the public domain. PST is working with the Storting to try to change the law to restrict who gets access to the tapes and the form of access given in an attempt to keep defense attorneys from giving all the tapes to the media as happened in this case.

¶9. (C) The Ambassador raised the concept of an HSPD-6 Agreement and pointed out the benefits it would have for Norway and the fight against terrorism in general. Holme agreed to look into the matter and for a follow-up meeting among experts. During the course of this discussion, it became clear however that the GON does not keep its own terrorist watch list. (Note: This is consistent with Norway's philosophical opposition to putting names to lists unless international bodies have clearly found them to be terrorists. Nonetheless, we continue to be surprised that the GON does not see the need to check who enters Norway against some kind of list that would include suspected terrorists. Given that the GON also doesn't check people against published war criminal lists until they apply for citizenship (REFTEL C), it is clear there is a ways to go here. End Note)

Opportunity to Create Change?

¶10. (C) Holme announced that he will be going to DC in October and would be interested in visiting NCTC. This is an important opportunity for us to reinforce the concept that there are varied faces of terrorism, there is a need to check people entering a country against watch lists, and a need to cooperate worldwide. Post will coordinate closely with Washington agencies to make the most out of this trip. Meanwhile, we are exploring with like-minded friends options on how to increase understanding of what terrorism is among GON officials. Some proposals include case studies with security personnel, seminars for MFA, and using the HSPD-6 negotiations to raise awareness. We will also continue through public outreach to encourage more thoughtful debate on this point in the media and among the public.

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